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for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ELLERIN PARTNERSHIP, LTD.;

CHARLES ELLERIN REVOCABLE TRUST, in
its capacities as GENERAL PARTNER and
LIMITED PARTNER of the ELLERIN

Adv. Pro. No. 10-04398 (SMB)

PARTNERSHIP, LTD;

ESTATE OF CHARLES ELLERIN;

SHIRLEY ELLERIN, in her capacities as
PERSONAL REPRESENTATIVE of the ESTATE
OF CHARLES ELLERIN and TRUSTEE of the
CHARLES ELLERIN REVOCABLE TRUST;

CHARLES ELLERIN IRREVOCABLE GIFT
GIVING TRUST, in its capacity as LIMITED
PARTNER of the ELLERIN PARTNERSHIP,
LTD;

ROBERT M. GRIFFITH, in his capacity as
TRUSTEE of the CHARLES ELLERIN
IRREVOCABLE GIFT GIVING TRUST; and

JANET WINTERS, INDIVIDUALLY as
BENEFICIARY of the CHARLES ELLERIN
IRREVOCABLE GIFT GIVING TRUST,

Defendants.

NOTICE OF MEDIATION REFERRAL

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

On April 17, 2014, the Charles Ellerin Irrevocable Gift Giving Trust, in its capacity as limited partner of the Ellerin Partnership, Ltd., the Charles Ellerin Revocable Trust, in its capacities as general partner and limited partner of the Ellerin Partnership, Ltd., Shirley Ellerin, in her capacities as personal representative of the Estate of Charles Ellerin and trustee of the Charles Ellerin Revocable Trust, Ellerin Partnership, Ltd., the Estate of Charles Ellerin, and Robert M. Griffith, in his capacity as trustee of the Charles Ellerin Irrevocable Gift Giving Trust, (“Defendants”) filed a motion to dismiss this adversary proceeding [Dkt. No. 46] pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable by Bankruptcy Rule 7012 (a “Rule 12(b)(6) Motion”).

Pursuant to the Avoidance Procedures, upon the filing of a Rule 12(b)(6) Motion, the issues raised in such motion, together with the issues raised in the Complaint, are immediately referred to mediation. Avoidance Procedures, ¶2D.

Pursuant to the Avoidance Procedures, within 14 calendar days after the filing of this Notice of Mediation Referral, the Trustee and Defendants (the “Parties”) shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order. Avoidance Procedures, ¶5C.

Dated: New York, New York
May 14, 2014

Of Counsel:

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